

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

WILLIAM NEIDINGER,

Plaintiff,

v.

DAVID CLIFTON,

Defendant.

Case No. 3:13-cv-00491-MMD-WGC

ORDER ACCEPTING REPORT AND  
RECOMMENDATION

Before the Court is Magistrate Judge William Cobb's Report and Recommendation ("R&R") (dkt. no. 3), regarding Plaintiff William Neidinger's Complaint and application to proceed *in forma pauperis*. (Dkt. no. 1.) Plaintiff filed an objection on October 30, 2013. (Dkt. no. 4.)

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. See *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no

1 objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D.  
2 Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that  
3 district courts are not required to review "any issue that is not the subject of an  
4 objection.").

5 The Complaint asks for emergency preliminary and injunctive relief to halt  
6 enforcement of a state court judgment that prohibits Plaintiff from advertising his  
7 handyman services. (See dkt. no. 1-1 at 5.) Plaintiff attaches the relevant criminal  
8 misdemeanor judgment, which says that Plaintiff was tried and found guilty of engaging  
9 in a contracting business or submitting a bid without a valid contractor's license in  
10 violation of NRS 624.700. (See *id.*, Attachment #1.) The R&R found that, though Plaintiff  
11 frames the Complaint as a constitutional challenge, his claims are "inextricably  
12 intertwined" with a state court decision and thus the Court is barred from exercising  
13 jurisdiction over this case under the *Rooker-Feldman* doctrine. (Dkt. no. 3 at 4.) After  
14 consideration of the record and Plaintiff's objection, the Court agrees with the R&R and  
15 finds that this action is barred by the *Rooker-Feldman* doctrine. See *Bianchi v.*  
16 *Rylaarsdam*, 334 F.3d 895, 900 n.4 (9th Cir. 2003) ("[] *Rooker-Feldman* bars federal  
17 adjudication of any suit in which a plaintiff alleges an injury based on a state court  
18 judgment and seeks relief from that judgment, not only direct appeals from a state  
19 court's decision.") (citations omitted).

20 It is hereby ordered that the R&R (dkt. no. 3), is accepted and adopted in full.  
21 Plaintiff's application to proceed *in forma pauperis* (dkt. no. 1) is granted and this action  
22 is dismissed with prejudice.

23 The clerk is ordered to file the Complaint and close the case.

24 DATED THIS 20<sup>th</sup> day of November 2013.

25  
26 

27 MIRANDA M. DU  
28 UNITED STATES DISTRICT JUDGE